



EXHIBIT 15
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HB 370

American Civil Liberties Union
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Capital Punishment: The State Ought Not Be in the Business of Killing People

The American Civil Liberties Union believes that the state should not give itself the right to kill human beings – especially when it kills with premeditation and ceremony, in the name of the law or in the name of its people, and when it does so in an arbitrary and discriminatory fashion.

The death penalty inherently violates the constitutional ban against cruel and unusual punishment and the guarantees of due process of law and of equal protection under the law.

Furthermore, we believe capital punishment is an intolerable denial of civil liberties and is inconsistent with the fundamental values of our democratic system. The death penalty is uncivilized in theory and unfair and inequitable in practice. The ACLU's opposition to capital punishment incorporates the following fundamental concerns:

The death penalty is applied in an arbitrary and random manner, depending upon the personality of the local prosecutor and the resources of the county. Even if the county had unlimited resources and the county attorney decided to go forward with a death penalty case, it would require trial assistance from the Montana Attorney General's office as well as advice from the Appellate Bureau. The trial and initial imposition—while extremely costly in themselves – are just the beginning of years and years of litigation, which correctly explores whether or not the proper procedure was used to exact the most extreme punishment. These years of litigation still do not alleviate the risk of executing an innocent person.

The death penalty is a waste of taxpayer funds and has no public safety benefit. The vast majority of law enforcement professionals surveyed agree that capital punishment does not deter violent crime; a survey of police chiefs nationwide found they rank the death penalty lowest among ways to reduce violent crime. They ranked increasing the number of police officers, reducing drug abuse, and creating a better economy with more jobs higher than the death penalty as the best ways to reduce violence. The FBI has found the states with the death penalty have the highest murder rates.

The ACLU opposes the death penalty in all circumstances, and looks forward to the day when the United States joins the majority of nations in abolishing it.

There are innumerable reasons beyond the civil liberties arguments that have led five states to recently abolish the death penalty. The debate of this issue needs to be heard on the floor of the House. I urge you to vote yes on HB 370.

Scott Crichton, Executive Director

